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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

NORTHERN DYNASTY MINERALS LTD.
and PEBBLE LIMITED PARTNERSHIP,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, *et al.*,

Defendants.

Case No. 3:24-cv-00059-SLG,
and consolidated cases

STATUS REPORT AND MOTION TO FURTHER EXTEND ABEYANCE

N. Dynasty Minerals Ltd. v. EPA, and consolidated cases, No. 3:24-cv-00059-SLG

Defendants respectfully request that this Court hold these consolidated cases in abeyance for an additional 20 days because new agency leadership continues to review the challenged decisions. Plaintiffs and intervenors do not oppose continuing the abeyance with a status report due in 20 days, as discussed further below.

In further support of this motion, Defendants state:

1. In these consolidated cases, all plaintiffs challenge the January 2023 Final Determination of the U.S. Environmental Protection Agency Pursuant to Section 404(c) of the Clean Water Act [for the] Pebble Deposit Area, Southwest Alaska (“Final Determination”). In addition, plaintiffs in Case No. 3:24-cv-00059-SLG (collectively, “PLP”) challenge the U.S. Army Corps of Engineers’ April 2024 denial without prejudice of PLP’s Clean Water Act Section 404 permit application for the Pebble Mine. More than 20 entities have intervened as defendants.

2. Defendants previously sought a 90-day abeyance, and then a 30-day extension, to provide new administration officials time to familiarize themselves with the issues and determine how they wish to proceed, and the Court granted those requests. ECF 152, 148. Defendants reserved the right to seek to extend the abeyance as circumstances require. ECF 151, 146. A status report is due on June 13, 2025. ECF 152.

3. Agency officials have been briefed on the litigation and are actively considering the agency decisions. A determination is expected in the near future, but the agency officials require additional time to determine how they wish to proceed.

4. Thus, Defendants respectfully request that the Court extend the abeyance for an additional 20 days, to July 3, 2025, with a status report due from Defendants on that date.

During the extended abeyance period, briefing regarding the motions at ECF 127 and 128 would remain stayed, consistent with this Court's orders granting and extending the abeyance. ECF 152, 148. Defendants would address the potential scheduling for briefing of those motions in the status report due July 3. Defendants reserve the right to seek to extend the abeyance beyond the additional 20 days as circumstances require.

5. For the foregoing reasons, Defendants' motion to extend the abeyance for an additional 20 days should be granted. A proposed order is being submitted herewith.

Respectfully submitted on June 12, 2025,
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